## REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

***Claim Status***

Claims 1-84 are pending in this application and have been rejected. Claims 1, 3, 4, 9, 12-20, 22-35, 38, 61 and 84 are herein amended. Claims 2, 11, 21, 36, 37, 39-60 and 62-83 are canceled without prejudice or disclaimer. Claims 1,12, 13 and 14 are independent in form. No new matter has been added.

***Claim Rejections under 35 USC §112***

Claim 18, 19, 41, 42, 64 and 65 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner has identified specific language in these claims which, in his opinion, either renders the claims indefinite or renders their scope unascertainable. (See Office Action, page 2.)

Applicant submits that the amendments to these claims presented herein overcome or otherwise render moot the started rejections and Applicant respectfully requests that these rejections be withdrawn.

***Claim Rejections in View of Prior Art***

Claim 1, 3, 5, 6, and 10-14 were rejected under 35 U.S.C.§ 102(b) as allegedly being anticipated by U.S. Patent No, 5,189,020 to Beeler, Jr. ("Beeler"). Claim 2 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Beeler as applied to claim 1, and further in view of U.S. Patent No, 6,289,382 to Bowman-Amuah ("Bowman-Amuah"). Claims 4, 7 and 9 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Beeler as

applied to claims 1 and 3, and further in view of U.S. Patent No. 6,347,384 to Satomi et al. ("Satomi"). Claim 8 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Beeler as applied to claims 1, 3 and 5, and further in view of Satomi and Bowman-Amuah. Claims 29-32 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Beeler and U.S. Patent No, 6,069,941 to Byrd et al. ("Byrd") as applied to claims 15 and 26, and further in view of Bowman-Amuah. Claims 20 and 22 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Beeler and Byrd as applied to claim 15, and further in view of Satomi. Claims 15-19, 21, 23-27 and 33-37 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Beeler and Byrd. Claims 38-84 were rejected by Beeler, Bowman-Amuah, Satomi and Byrd "accordingly as the above claims." (See Office Action, pages 2-20.)

Applicants respectfully disagree with the characterization of the claims and the teachings of the prior art in the above stated rejections and respectfully traverse these rejections.

Rejected claims 2, 11, 21, 36, 37, 39-60 and 62-83 are canceled without prejudice or disclaimer, rendering the rejections as to these claims moot. Accordingly Applicant respectfully requests that these rejections be withdrawn.

According to amended independent claims, one feature of the claimed invention is that a server automatically selects from a plurality of data servers at least one data server located in a different area from an area registered by a user when receiving the user's data storage request.

Applicant submits that the present invention as claimed is distinguishable over the cited art.

The cited reference to Beeler teaches that a user selects a target server.

With regard to Bowman-Amuah, the Examiner cites descriptions in column 268, lines 23 to 37 in support of the above rejections, specifically that Bowman-Amuah teaches that a select step that includes the step of: making the server select the data server located in an area other than the area set by the user. (See page 4 of the Office Action.) Applicant respectfully disagrees with this attribution to Bowna-Amuah. The noted description relates to a scheduling according to availability of a server such as CPU utilization.

Satomi teaches to provide two servers for redundancy.

Thus, neither Beeler, Bowman-Amuah, Satomi nor Byrd, individually or in combination, teach or fairly suggest at least the above feature of the amended claims. The amended claims are therefore believed neither anticipated by, nor rendered obvious in view of, and thus patentable over, these references taken individually or in combination .

Applicant has not specifically addressed the rejections of the dependent claims as Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance for at least similar reasons. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

## CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

Appl. No. 10/057,255
Reply to Office Action dated May 3, 2005

Docket No. 1232-4812

While Applicant believes no extension of time or any fees are required for the filing of this paper, should an extension of time be necessary to render this filing timely, such extension is hereby petitioned.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-4812.

Respectfully submitted,
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Dated: August 3, 2005

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